



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

February 26, 2021

Via Email PDF to: jeffrey.s.dykstra@sargentlundy.com

Jeff Dykstra, P.E.
Sargent & Lundy
6810 Deerpath Road #103
Elkridge, Maryland 21075

RE: 21-Z-PDRM-0019 – 45 E. Street, NW

Dear Mr. Dyksta,

The purpose of this letter is to confirm the discussion in your virtual meeting with my staff on December 8th, 2020 regarding the PEPCO Substation (45 East Street, NW, DC) (the “**Property**”). In the meeting it was confirmed that if proposed HVAC replacement units do not exceed four (4) feet in height from the lowest portion of the associated roof system, a screening wall is not required under the Zoning Regulations, under C-1500.2, as referenced below. If proposed units exceed the maximum four (4) foot height from the lowest portion of the existing roof system, a screening wall shall be installed, as outlined in the Section C-1502.1 for Penthouse Setbacks. The applicable Zoning regulations state:

C-1500.2 Except for compliance with the setbacks required by Subtitle C § 1502 and as otherwise noted in this section, a penthouse that is less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section.

C-1502.1 Penthouses, screening around unenclosed mechanical equipment, rooftop platforms for swimming pools, roof decks, trellises, and any guard rail on a roof shall be setback from the edge of the roof upon which it is located as follows:

- (a) A distance equal to its height from the front building wall of the roof upon which it is located;*
- (b) A distance equal to its height from the rear building wall of the roof upon which it is located;*
- (c) A distance equal to its height from the side building wall of the roof upon which it is located if:*
 - (1) In any zone, it is on a building used as a detached dwelling, semi-detached dwelling, rowhouse or flat, that is: Subtitle C-112 (A) Adjacent to a property that has a lower or equal permitted matter-of-right building height, or (B) On a corner lot adjacent to a public or private street or alley right-of-way or a public park;*
 - (2) In the R-1 through R-F zones, it is on any building not described in Subtitle C § 1502.1(c)(1) that is: (A) Adjacent to a property that has a lower or equal permitted matter-of-right building height, or (B) On a corner lot adjacent to a public or private street or alley right-of-way or a public park;*
 - (3) For zones not listed in paragraph Subtitle C § 1502.1(c)(2), it is on a building not*

described in paragraph Subtitle C § 1502.1(c)(1) that is located adjacent to a property that has a lower permitted matter-of-right building height;

(4) For any zone, it is on a building adjacent to a property improved with a designated landmark or contributing structure to a historic district that is built to a lower height regardless of the permitted matter-of-right building height; and

(5) For any zone, it is on a building with walls that border any court other than closed courts;

(d) A distance equal to one-half (0.5) of its height from any side building wall of the roof upon which it is located that is not adjoining another building wall and not meeting the conditions of paragraphs Subtitle C §§ 1502.1(c)(1) through (5); or

(e) A distance equal to two (2) times its height from any building wall of the roof upon which it is located which fronts onto Independence Avenue, S.W. between 12th Street, S.W. and 2nd Street, S.W., or fronting onto Pennsylvania Avenue, N.W. between 3rd Street, N.W. and 15th Street, N.W., subject to any penthouse constraints contained within adopted PADC Guideline documents.

Conclusion

In summary, if the equipment being installed is less than four (4) feet from the lowest point of the existing roof, a screening wall is not required. If the equipment to be installed, is or exceeds a height of four (4) feet from the lowest point of the roof, a screening wall shall be installed as per Section C-1502.1. As I understand your proposal, based on the clarification information outlined herein, a design has been prepared in accordance with the applicable zoning and design criteria specified.

Please feel free to contact me if you have any questions.

Sincerely,


Matthew Le Grant
Zoning Administrator

Zoning Technician: Chyna Barber

Attachments: A- Roof Plan -7E-161-026_SHT001_20210125
B- Equipment Layout- 7E-161-026_SHT002_20210125
C- Sections - 7E-161-026_SHT003_20210125

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a "final writing", as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter based on the information submitted for the Zoning Administrator's review. Therefore this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.